Senate File 2270 - Introduced

SENATE FILE 2270 BY BERTRAND

A BILL FOR

- 1 An Act concerning public employee organization elections
- 2 conducted by the public employment relations board and
- 3 including effective date and applicability provisions.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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- 1 Section 1. Section 20.15, subsection 1, paragraph b, Code
- 2 2018, is amended to read as follows:
- 3 b. (1) If a majority of the public employees in the
- 4 bargaining unit vote votes cast are for no bargaining
- 5 representation, the public employees in the bargaining unit
- 6 found appropriate by the board shall not be represented by an
- 7 employee organization.
- 8 (2) If a majority of the public employees in the bargaining
- 9 unit vote votes cast are for a listed employee organization,
- 10 then that employee organization shall represent the public
- 11 employees in the bargaining unit found appropriate by the
- 12 board.
- 13 (3) If none of the choices on the ballot receive the
- 14 vote of a majority of the public employees in the bargaining
- 15 unit votes cast, the public employees in the bargaining unit
- 16 found appropriate by the board shall not be represented by an
- 17 employee organization.
- 18 Sec. 2. Section 20.15, subsection 2, Code 2018, is amended
- 19 to read as follows:
- 20 2. Retention and recertification elections.
- 21 a. The Beginning January 1, 2020, the board shall conduct
- 22 an election every five years to retain and recertify the
- 23 bargaining representative of a each bargaining unit prior to
- 24 the expiration of the bargaining unit's that is a party to
- 25 a collective bargaining agreement. The board shall schedule
- 26 such an election for each bargaining unit that is a party to a
- 27 collective bargaining unit as of January 1 of the calendar year
- 28 in which the election will be conducted. The board may stagger
- 29 the dates of such elections throughout the calendar year.
- 30 The question on the ballot shall be whether the bargaining
- 31 representative of the public employees in the bargaining
- 32 unit shall be retained and recertified as the bargaining
- 33 representative of the public employees in the bargaining unit.
- 34 For collective bargaining agreements with a June 30 expiration
- 35 date, the election shall occur between June 1 and November

- 1 1, both dates included, in the year prior to that expiration
- 2 date. For collective bargaining agreements with a different
- 3 expiration date, the election shall occur between three hundred
- 4 sixty-five and two hundred seventy days prior to the expiration
- 5 date.
- 6 b. (1) If a majority of the public employees in the
- 7 bargaining unit vote votes cast are to retain and recertify
- 8 the representative, the board shall retain and recertify the
- 9 bargaining representative and the bargaining representative
- 10 shall continue to represent the public employees in the
- ll bargaining unit.
- 12 (2) If there is not a majority of the public employees
- 13 in the bargaining unit do not vote votes cast to retain and
- 14 recertify the representative, the board, after the period for
- 15 filing written objections pursuant to subsection 4 has elapsed,
- 16 shall immediately decertify the representative and the public
- 17 employees shall not be represented by an employee organization
- 18 except pursuant to the filing of a subsequent petition for
- 19 certification of an employee organization as provided in
- 20 section 20.14 and an election conducted pursuant to such
- 21 petition. Such written objections and decertifications shall
- 22 be subject to applicable administrative and judicial review.
- 23 Sec. 3. Section 20.15, subsection 3, paragraph b, Code 2018,
- 24 is amended to read as follows:
- 25 b. (1) If a majority of the public employees in the
- 26 bargaining unit vote votes cast are to decertify the bargaining
- 27 representative, the board, after the period for filing
- 28 written objections pursuant to subsection 4 has elapsed,
- 29 shall immediately decertify the representative and the public
- 30 employees shall not be represented by an employee organization
- 31 except pursuant to the filing of a subsequent petition for
- 32 certification of an employee organization as provided in
- 33 section 20.14 and an election conducted pursuant to such
- 34 petition. Such written objections and decertifications shall
- 35 be subject to applicable administrative and judicial review.

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- 1 (2) If there is not a majority of the public employees in
- 2 the bargaining unit do not vote votes cast to decertify the
- 3 bargaining representative, the bargaining representative shall
- 4 continue to represent the public employees in the bargaining
- 5 unit.
- 6 Sec. 4. Section 20.15, subsection 5, Code 2018, is amended
- 7 to read as follows:
- 8 5. Results certified. Upon completion of a valid election
- 9 in which the majority choice of the public employees in the
- 10 bargaining unit voting in the election is determined, the
- 11 board shall certify the results of the election and shall give
- 12 reasonable notice of the order to all employee organizations
- 13 listed on the ballot, the public employers, and the public
- 14 employees in the appropriate bargaining unit.
- 15 Sec. 5. DIRECTIVE TO PUBLIC EMPLOYMENT RELATIONS BOARD. The
- 16 public employment relations board shall cancel any elections
- 17 scheduled or in process pursuant to section 20.15, subsection
- 18 2, paragraph "a", Code 2018, as of the effective date of this
- 19 Act, that do not comply with the scheduling requirements of
- 20 section 20.15, subsection 2, paragraph "a", as amended by this
- 21 Act.
- 22 Sec. 6. EFFECTIVE DATE. This Act, being deemed of immediate
- 23 importance, takes effect upon enactment.
- 24 Sec. 7. APPLICABILITY. This Act applies on and after
- 25 the effective date of this Act to all elections carried out
- 26 pursuant to section 20.15.
- 27 EXPLANATION
- 28 The inclusion of this explanation does not constitute agreement with
- 29 the explanation's substance by the members of the general assembly.
- 30 This bill makes changes relating to public employee
- 31 organization elections for collective bargaining units
- 32 conducted by the public employment relations board pursuant to
- 33 Code section 20.15.
- 34 The bill changes the required percentage of support from
- 35 public employees in a collective bargaining unit voting

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1 in a certification, retention and recertification, or 2 decertification election for the question on the ballot to 3 pass. Under current law, a question on a ballot in such an 4 election will only pass if a majority of the members of the 5 bargaining unit vote in support of the question. 6 provides that a question on a ballot will pass if a majority of 7 the votes cast are in support of the question. 8 The bill also changes the scheduling requirements for 9 retention and recertification elections. Current law requires 10 that such elections be scheduled a certain period of time prior 11 to the expiration of each collective bargaining agreement. 12 bill requires that such elections be conducted every five years 13 beginning January 1, 2020, for each bargaining unit that is a 14 party to a collective bargaining unit as of January 1 of the 15 year in which the elections will be held. The bill requires 16 the public employment relations board to cancel any such 17 elections scheduled as of the effective date of the bill that 18 do not comply with the scheduling requirements of the bill. The bill takes effect upon enactment and applies to all 20 elections carried out pursuant to Code section 20.15 on and

21 after the effective date of the bill.